

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

KENT FAULKNER,	)	
	)	
<i>Plaintiff,</i>	)	
	)	
v.	)	Case No. CIV-19-1173-D
	)	
JOEL MCCURDY,	)	
et al.,	)	
	)	
<i>Defendants.</i>	)	

**ORDER**

Plaintiff Kent Faulkner, a state prisoner, brought this civil rights action under 42 U.S.C. § 1983 against Defendants Joel McCurdy, Mike McDougal, Scott Crow, and Terri Sample.<sup>1</sup> The matter was referred to United States Magistrate Judge Gary M. Purcell for initial proceedings in accordance with 28 U.S.C. § 636(b)(1)(B) and (C).

On January 26, 2021, the magistrate judge issued a Supplemental Report and Recommendation, where he recommended Defendant Scott Crow's Motion to Dismiss [Doc. No. 23], as converted to a motion for summary judgment, be granted. *See* Supp. Rep. and Rec. [Doc. No. 30].

Plaintiff timely filed an Objection. [Doc. No. 34]. In his Objection, Plaintiff presents no persuasive argument or authority that would cause this Court to reject the magistrate judge's conclusions. To the extent Plaintiff attempts to introduce new arguments in his

---

<sup>1</sup> Plaintiff sued Defendant McCurdy in his individual and official capacities. Plaintiff voluntarily dismissed his claims against McCurdy on June 15, 2021. Plaintiff sued Defendant McDougal in his individual and official capacities.

objection, the Court notes that “[i]ssues raised for the first time in objections to the magistrate judge’s recommendation are deemed waived.” *Marshall v. Chater*, 75 F.3d 1421, 1426 (10th Cir. 1996).

The Court has reviewed the entirety of the Report and Recommendation, as well as the case record, and fully concurs in the Report and Recommendation. Therefore, the Court, having conducted a *de novo* review, finds that Plaintiff’s Objection should be overruled, and hereby ADOPTS the Supplemental Report and Recommendation [Doc. No. 30] in its entirety.

**IT IS THEREFORE ORDERED** that Defendant Scott Crow’s Motion to Dismiss [Doc. No. 23] is **GRANTED**. A separate judgment shall be entered accordingly.

**IT IS SO ORDERED** this 14<sup>th</sup> day of July, 2021.



---

TIMOTHY D. DeGIUSTI  
Chief United States District Judge